

DRAFT Environmental Assessment

Proposed Land Acquisition – R-2

Fish Creek Wildlife Management Area and Fish Creek State Park



January 2010



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1.0 PURPOSE OF AND NEED FOR ACTION

1.1. Proposed Action and Need

Montana Fish, Wildlife and Parks (FWP) propose to purchase via fee title 40,945 acres from The Nature Conservancy (TNC) in the Bitterroot Mountains south of Tarkio, Montana, which is part of the Middle Clark Fork River watershed.

The Fish Creek Project includes important upland and riparian habitats that FWP and the public have long recognized as having exceptional wildlife, fish, and recreation values. The following are highlights of the resource values FWP wants to protect:

- From a wildlife perspective, the proposed project would protect critical winter range for ungulates, as well as a very important linkage zone for forest carnivores (i.e. Canada lynx, grizzly bear, wolverine) between the Ninemile Divide and Selway-Bitterroot Wilderness (American Wildlands, 2008; Servheen et.al., 2003). The drainage also supports diverse populations of predators, furbearers, and upland game birds, as well as 31 terrestrial vertebrate species of concern that have been verified or are potentially found within the Fish Creek Project area (Montana Natural Heritage Program, 2009).
- From a fisheries perspective, the proposed acquisition of these acres would ensure the protection of Fish Creek and its tributaries that supports important native fish populations, key trout spawning and rearing habitat, and an outstanding fishery. Additionally, the Fish Creek drainage is a FWP aquatic restoration priority, both past and ongoing.
- From a recreation perspective, the purchase of the TNC property would provide public ownership of an area that is already heavily used for recreation activities such as hunting, hiking, angling, sightseeing, motorized use, wildlife viewing, and camping. Portions of the property are adjacent to the Alberton Gorge, an FWP owned and managed section of the Clark Fork River that is popular for whitewater boating. Acquisition of these properties was prioritized in the 2007 Alberton Gorge Conceptual Plan (FWP, 2007) and would enhance the resource values and recreation experience of the Alberton Gorge. Acquisition of the property would also have potential for expanding recreation opportunities in the area and could include a developed campground, trail system(s), a fire lookout rental, and an equestrian campground.

1.2 Objectives of the Proposed Action

- To permanently protect portions of the Middle Clark Fork watershed.
- To maintain critical habitat for bull trout and westslope cutthroat trout.
- To protect and enhance critical winter range and other seasonal habitats for a diversity of wildlife.
- To preserve an important forest carnivore linkage zone between the Ninemile Divide and Selway-Bitterroot Wilderness.

- To designate a large acreage state park in western Montana. State Park.
- Creates a natural recreation linkage with the Alberton Gorge.
- To provide enhanced access and recreation opportunities for hunting, hiking, angling, sightseeing, wildlife viewing, floating, trail use, and camping

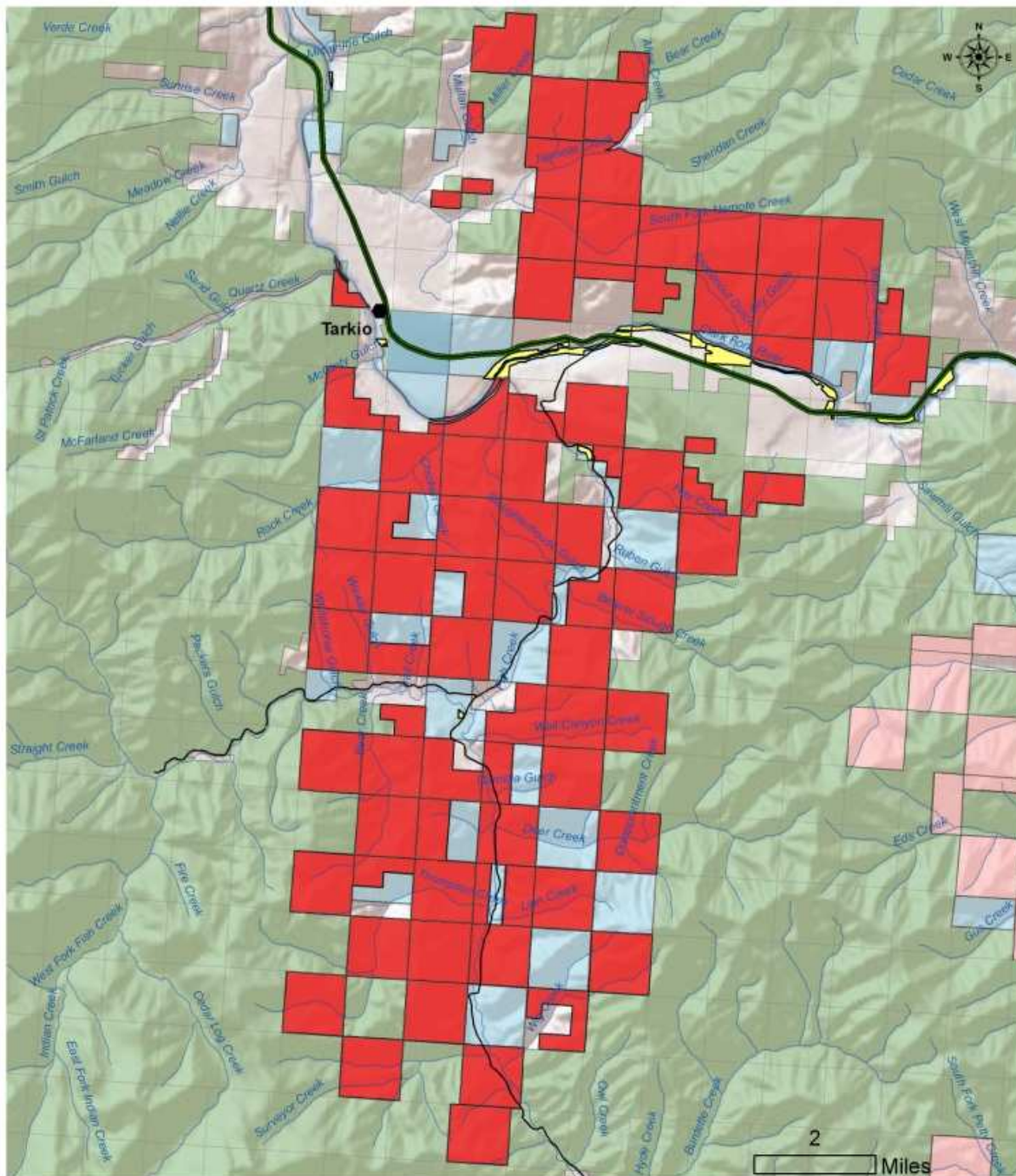
1.3. Location

Located approximately 41 miles west of Missoula, Montana near the town of Tarkio along Interstate 90. Portions of the property lay both north and south of the interstate. The property FWP is considering purchasing is marked in red on the following map.

Township & Range of the Property in general terms:

12N, 25W:	All of Section 1.
13N, 24W:	Portions of Sections 6, 18, and 29. All of Sections 5, 7, 9, 17, 19, 21, and 31.
13N, 25W:	Portions of 1, 12 and 14. All of Sections 2, 3, 11, 13, 15, 23, 24, 25, 27, and 35
14N, 24W:	Portions of Section 3, 6, 8, 10, 11, 17, 20, and 31. All of Sections 5, 7, 9, 15, 18, 19, 21, 29, 32, and 33.
14N, 25W:	Portions of Sections 1, 2, 3, 14, 24, 26, and 35. All of Sections 11, 12, 13, 15, 22, 23, 25, and 27.
15N, 23W:	Portions of Sections 30 and 31.
15N, 24W:	Portions of 5, 8, 17, 18, 19, 28, 29, and 35. All of Sections 7, 20, 21, 22, 23, 24, 25, 26, 27, and 30.
15N, 25W:	Portions of Sections 1, 12, 13, 23, and 27.

Fish Creek Land Ownership



**Montana Fish,
Wildlife & Parks**

December 23, 2009
Data from: MFWP, TNC

Legend

- Main Fish Creek Roads
- The Nature Conservancy - Fish Creek
- The Nature Conservancy
- Montana Fish, Wildlife, and Parks
- Montana State Trust Lands
- US Forest Service
- Other Private

1.4 Application to FWP Comprehensive Fish & Wildlife Management Strategy

There are two community types within the property that have been identified in the Comprehensive Fish & Wildlife Management Strategy (CFWMS, FWP 2005), as Community Types of Greatest Conservation Need. Riparian/wetlands are a terrestrial community type and mountain streams are an aquatic community type of greatest conservation need.

Riparian and wetland communities support the highest concentration of plants and animals in Montana, including the highest density and diversity of breeding birds relative to other habitats. This property contains approximately 66 miles of high quality riparian habitat along Fish Creek and its tributaries bordered by dogwood, alder, and willows. Conifers, with a streamside understory of broadleaf shrubs, and scattered cottonwood and aspen, dominate most of the riparian habitat in the project area.

The table below lists the Species of Concern (SOC) with CFWMS Tier1 noted in blue that are predicted to occur within or in the vicinity of the property.

Species	Status	Habitat	Status in Fish Creek & Vicinity
SPECIES OF CONCERN			
Bull Trout (<i>Salvelinus confluentus</i>)	Threatened	Coldwater streams	Verified
Westslope Cutthroat Trout (<i>Oncorhynchus clarki lewisi</i>)	SOC	Coldwater streams	Verified in area - abundant
Canada Lynx (<i>Lynx Canadensis</i>)	Threatened	Subalpine conifer forests	Verified
Fisher (<i>Martes pennant</i>)	SOC	Mixed conifer forests	Verified
Fringed Myotis (<i>Myotis thysanodes</i>)	SOC	Riparian & dry mixed conifer forests	Suitable habitat in area, not verified
Gray Wolf (<i>Canis lupus</i>)	Delisted, SOC	Generalist	Verified
Grizzly Bear (<i>Ursus arctos</i>)	Threatened	Generalist	Suitable habitat for expansion into the area
Hoary Bat (<i>Lasiurus cinereus</i>)	SOC	Riparian and forest habitats	Suitable habitat in area, not verified
Spotted Bat (<i>Euderma maculatum</i>)	SOC	Arid land rock outcrops	Suitable habitat present along Clark Fork River
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	SOC	Caves and mines	Suitable roost sites possible in or near area, foraging habitat present
Wolverine (<i>Gulo gulo</i>)	SOC	Conifer forests	Verified
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Delisted, SOC	Riparian forests	Verified. Nesting pair along Clark Fork. Possible nesting pair up Fish Creek.
Black-backed Woodpecker (<i>Picoides arcticus</i>)	SOC	Burned conifer forests	Verified near the area, suitable habitat (recent burns) within area
Boreal Chickadee (<i>Poecile hudsonica</i>)	SOC	Spruce fir forests	Limited suitable habitat, not verified
Brown Creeper (<i>Certhia Americana</i>)	SOC	Mixed conifer forests	Verified on forest service lands around the area, suitable habitat
Cassin's Finch	SOC	Conifer forests	Verified in the area

<i>(Carpodacus cassinii)</i>			
Clark's Nutcracker <i>(Nucifraga Columbiana)</i>	SOC	Conifer forests	Verified in the area
Flammulated Owl <i>(Otus flammeolus)</i>	SOC	Low-mid elevation conifer forests with large trees	Verified in the area
Golden Eagle <i>(Aquila chrysaetos)</i>	SOC	Generalist	Suitable habitat in the area, not verified
Gray-crowned Rosy-Finch <i>(Leucosticte tephrocotis)</i>	SOC	Alpine	Limited suitable habitat may be present, needs evaluation
Great Blue Heron <i>(Ardea Herodias)</i>	SOC	Riparian woodlands	Verified in area
Great Gray Owl <i>(Strix nebulosa)</i>	SOC	Conifer forests	Suitable habitat in area, not verified
Harlequin Duck <i>(Histrionicus histrionicus)</i>	SOC	Mountain Streams	Verified in South Fork Fish Creek south of area, limited suitable habitat present in the area
Lewis's Woodpecker <i>(Melanerpes lewis)</i>	SOC	Riparian forests	Suitable habitat in area, not verified
Northern Goshawk <i>(Accipiter gentilis)</i>	SOC	Mixed conifer forests	Verified near the area, suitable habitat present
Peregrine Falcon <i>(Falco peregrines)</i>	Delisted, SOC	Cliffs near riparian or wetland habitat	Verified in area, nest site along Clark Fork River
Pileated Woodpecker <i>(Dryocopus pileatus)</i>	SOC	Conifer forests with large trees	Verified in area
Veery <i>(Catharus fuscescens)</i>	SOC	Riparian forests/shrubby habitats	Verified in area
Winter Wren <i>(Troglodytes troglodytes)</i>	SOC	Conifer/riparian forests	Verified in area
Northern Alligator Lizard <i>(Elgaria coerulea)</i>	SOC	Talus/rock outcrops	Verified near area, suitable habitat present
Western Skink <i>(Eumeces skiltonianus)</i>	SOC	Open conifer forests/grasslands	Verified near Alberton and Superior, suitable habitat present
Coeur d'Alene Salamander <i>(Plethodon idahoensis)</i>	SOC	Spring/seep, waterfalls, mossy talus	Populations verified in Woodman Creek to east, and Trout Creek to west, some suitable habitat in area
Western Toad <i>(Bufo boreas)</i>	SOC	Wetlands, lakes, floodplain ponds	Suitable habitat in area, not verified
Magnum Mantleslug <i>(Magnipelta mycophaga)</i>	SOC	Moist conifer forests	Verified in W. Fork Petty Creek, suitable habitat in area
Rocky Mountain Dusksnail <i>(Colligyrus greggi)</i>	SOC	Cold freshwater streams and springs	Observed in Chicken Creek in 2004, record pending approval by MNHP
Western Pearlshell <i>(Margaritifera falcate)</i>	SOC	Coldwater streams	Suitable habitat in area, not verified
Clustered Lady's-Slipper <i>(Cypripedium fasciculatum)</i>	SOC	Montana occurrences are mostly in warm, dry mid-seral montane forest in the Douglas fir/ninebark and grand fir/ninebark habitat types. Elsewhere in its range, it is in western red cedar habitat types.	Verified just west of area in 2000 survey. Timber harvesting has been the primary threat to the species in Montana.
Kelloggia <i>(Kelloggia galioides)</i>	SOC	Open forest in the valley and montane zones	Known in Montana from one 1971 collection in the South Fork Fish Creek valley

Northern Twayblade (<i>Listera borealis</i>)	SOC	Grows in seepy, marshy places along cold-air drainages, often where calcareous	Collected in 1971 in area
Western Joepy-weed (<i>Eupatorium occidentale</i>)	SOC	Rocky outcrops and slopes in the montane and lower subalpine zones	Herbarium specimen from 1975
Potential Species of Concern			
Hoary Marmot (<i>Lasiurus cinereus</i>)	PSOC	Alpine/subalpine meadows/rock outcrops	Limited suitable habitat in SW corner of area, not verified
Silver-haired Bat (<i>Lasionycteris noctivagans</i>)	PSOC	Riparian and forest habitats	Suitable habitat in area, not verified
Hooded Merganser (<i>Lophodytes cucullatus</i>)	PSOC	Riparian forests	Limited suitable habitat in area, not verified
Rufous Hummingbird (<i>Selasphorus rufus</i>)	PSOC	Open and brushy forests	Verified in area
Tennessee Warbler (<i>Vermivora peregrine</i>)	PSOC	Mixed conifer forests	Suitable habitat in area, not verified
Western Screech-Owl (<i>Megascops kennicottii</i>)	PSOC	Riparian forests	Suitable habitat in area, not verified
An Agapetus Caddisfly (<i>Agapetus montanus</i>)	PSOC	Fast-flowing streams	Verified in Burdette Creek south of the area
Fir Pinwheel (<i>Radiodiscus abietum</i>)	PSOC	Moist, rocky Douglas-fir or western red cedar forests	Verified at the southern edge of the area in Surveyers Creek in 2007
Additional Tier 1 Species			
Olive-sided Flycatcher (<i>Contopus cooperi</i>)	CFWCS Tier 1	Early seral forest/shrub patches, and burned forest	Verified in area

1.5 Authority

FWP has the authority to purchase lands that are suitable for game, bird, fish or fur-bearing animal restoration, propagation or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation per Montana state statute 87-1-209.

Funding for the proposed acquisition would come from three sources: Access Montana Program, Habitat Montana Program, and U.S. Fish and Wildlife Service's Pittman-Robertson Wildlife Restoration Program. FWP has the authority to use each program's funds through the following laws or administrative rules:

- Access Montana: This program was established through House Bill 5 during the 2007 Legislature. Its purpose is for the land acquisitions, land leasing, easement purchase, or development agreement for state parks and fishing access sites.
- Habitat Montana: Under Administrative Rule 12.9.508-512, FWP has the authority to acquire wildlife habitat for a) the conservation of Montana's wildlife populations and natural communities to keep them intact for future generations; maintain wildlife population levels that sustain or enhance current recreation opportunities; and maintain diverse geographic distribution of native wildlife populations and their habitats, b) the conservation of Montana's land and water resources in adequate quantity and quality to sustain ecological systems, and c) the implementation of habitat management systems that are compatible with and minimize conflicts between wildlife values and traditional agricultural, economic, and cultural values.

- U.S. Fish and Wildlife Service's Pittman-Robertson Wildlife Restoration Program: Per 87-1-709 Montana Code Annotated (MCA), FWP has the power to acquire lands with federal funds for the one or more of the following purposes: a) protecting or maintaining habitat conditions for fish or wildlife species by placing land under public control or ownership, b) developing or improving habitat conditions to enhance carrying capacity, and/or c) providing public access for the use of fish and wildlife resources.

Per state law, 87-1-201MCA, FWP is required to contribute to a special revenue account called the forest management account to be used to address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area under the department's jurisdiction.

FWP is also required to establish a maintenance account for property acquisition involving more than 100 acres or \$100,000 in value (87-1-209 and 23-1-127 (2) MCA). Such an account would be used to for weed maintenance, fence installation or repair of existing fences, garbage removal, implementation of safety and health measures required by law to protect public, erosion control, streambank stabilization, erection of barriers to preserve riparian vegetation and habitat, and planting of native trees, grasses, and shrubs for habitat stabilization. Such maintenance activities should be consistent with the good neighbor policy.

Additionally, Montana state statute 23-2-102 provides authority for the proposed purchase. "Montana is uniquely endowed with scenic landscapes and areas rich in recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is of major significance to the expanding tourist industry. It is the purpose of this part to give authority to the department of fish, wildlife, and parks to plan and develop outdoor recreational resources in the state, which authority shall permit receiving and expending funds including federal grants for this purpose."

2.0 ALTERNATIVES

2.1. Alternative A – Proposed Action: For FWP to Purchase 40,945 acres from The Nature Conservancy

FWP proposes to purchase via fee title 40,945 acres in the Bitterroot Mountains that includes the Fish Creek, Rock Creek, and Nemote Creek drainages, south and north of Interstate 90 respectively, near Tarkio MT.

This very large property would be divided into two separate management areas. Approximately 6,900 acres south of Interstate 90 adjacent to Fish Creek and the Clark Fork River would be designated as a state park. The remaining acres (~ 34,000) would be designated a wildlife management area. Final boundaries will be described in the Decision Notice. Both portions of the property would be managed separately by the Parks Division and Fish & Wildlife Division of FWP but in cooperation to ensure the objectives of the acquisition are met. See *Appendix A* for a map showing the preliminary state park and wildlife management area boundaries.

For the immediate future, FWP has drafted an interim management plan for the property that is attached as *Appendix B*. The interim management plan would direct FWP management of the state park and WMA components during the 36 months following acquisition that would likely be required to develop a final management plan.

Future recreational development opportunities exist on the properties, particularly on the state park component. Those opportunities could include a developed campground, establishment of a trail system, a fire lookout rental, and equestrian campground.

Both a final management plan and any recreational development will be the result of a public involvement process that includes a public meeting and an environmental assessment process, with opportunity for input and discussions with the public and neighboring property owners.

Expected cost of acquisition is \$14,350,000, subject to adjustments after the property appraisal is completed. Anticipated funding resources to be used and percentage of support are: Access Montana Program (14%), Habitat Montana Program (28%), and federal Pittman-Robertson Program (58%), which are based upon the approximate sizes of the state park and wildlife management area.

Challenges of the proposed acquisition include: the oversight and enforcement of management strategies and existing FWP rules throughout the property for public safety and service, as well as protecting resource values. For the immediate future, no new FWP staff are planned to be hired to manage the property.

2.2 Alternative B – No Action: FWP would not purchase the Fish Creek Project Property

Under the No Action Alternative, FWP would not purchase the Fish Creek lands from The Nature Conservancy (TNC). TNC would likely research other selling options that may jeopardize their ability to protect the entire habitat community as one unit. The possibility would exist that some parcels would be subdivided and developed, and continued public recreational access would be jeopardized.

2.3 Alternative Considered but Eliminated from Additional Analysis: FWP Purchase a Conservation Easement for Property

This alternative was briefly discussed but eliminated from consideration because TNC is only interested in selling the property at this time.

2.4 Alternative Considered but Eliminated from Additional Analysis: FWP Purchase a Portion of the Property

FWP considered whether to purchase only the lands most suitable to be managed as a Wildlife Management Area (WMA), using only the limited funding sources dedicated for that purpose. Similarly, FWP considered whether to purchase only the lands most suitable to be managed as a State Park, using only limited funding sources dedicated for that purpose. FWP also briefly considered other configurations of prospective WMA and Park lands that would leave some of the subject parcels in TNC ownership. This alternative was eliminated from further

consideration in developing this proposal because the acreage in its entirety uniquely matches FWP program objectives, and potential future fragmentation of any parcels excluded from this proposal would compromise the benefits of the project.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENT CONSEQUENCES

EXISTING AND ONGOING ACTIVITIES ON THE PROPERTY

Under TNC ownership in 2009, The Nature Conservancy and Trout Unlimited collaboratively improved stream connectivity and stream crossing conditions, planted and stored (ripped and reseeded) closed roads, and began weed control efforts in many drainages within the proposed acquisition. Accomplishments from 2009 include approximately 37 miles of road storage, removal of approximately 43 culverts and cross drains, weed treatment along open and closed road systems, and revegetation of more than 3,500 feet of streambank along the main stem Fish Creek and South Fork Fish Creek corridor where Fish Creek Road encroaches on the stream. Work will continue in 2010 as Trout Unlimited and S&K Environmental Restoration have received grant funding to carry on similar work, with a focus in areas impacted by wildfires in 2003 and 2005.

3.1 LAND USE

The Fish Creek project property has long been used for forest resource (timber) production, although no active timber harvest is currently in progress. Timber management was administered by Plum Creek Timber Company (PCT) and its predecessor, Champion International. It was during this latter phase that heavy removal of forest canopy was done and the dense network of access roads was constructed into every part of the property south of the Clark Fork River. Parcels north of the river have also been heavily logged by PCT.

There is a total 521 miles of road within this property, the majority lie behind locked gates and are not open to public motor vehicle access. The vast majority of roads are abandoned logging roads with approximately 115 miles (22 %) open to the motoring public. The remaining roads are either blocked by metal gates or impassible due to downed trees or poor road conditions. The following chart is a summary of the road status as of July 2009, with these roads mapped in *Appendix C*.

Status	Miles
Open – Year Round	115
Closed - Gated	348
Closed - Barrier	10
Seasonal - Gated	10
Stored *	38
Total:	521

* Road ripped and reseeded

Proposed Action:

The ownership of the roads with the Fish Creek Project property is a mix of private and public, with none owned or maintained by Mineral County, with the exception of the access road that connects Rock Creek and the community of Rivulet. The Forest Service owns main arterial roads in the area. A complete inventory of road ownership will be completed by FWP to ensure roads are maintained by the appropriate party to ensure public safety and signed accordingly to direct public access.

Timber harvest is not an immediate need on this property. After acquisition, FWP would develop a vegetation management plan, with the view that fires and logging may have benefited wildlife by setting back forest succession and increasing the production of herbaceous and woody forage for big game. Emphasis would be placed on the control of existing weed occurrences, and the prevention of new introductions. Replanting of trees may be appropriate to enhance riparian areas. Existing forest stands would be inventoried for management opportunities to promote the recruitment of large trees in multi-storied stands to benefit wildlife. Commercial firewood cutting would be prohibited, and private wood gathering would be very limited, if allowed.

Any mineral interests owned by TNC attached to the parcels would be transferred to FWP. Final determination of those interests is pending. Water rights attached to the project property would also be transferred to FWP.

There are no active grazing leases on the property and FWP would not anticipate introducing livestock.

No Action: Under the No Action Alternative, there is a high degree of likelihood that TNC would attempt to find another buyer for this property. It is TNC's preference to sell the property as a single unit in order to preserve the aquatic and terrestrial habitats and its associated values. However if one cannot be found, TNC may consider selling the property in smaller parcels, which would increase the likelihood that one or more homes would be built in each parcel. This would increase the probability that habitat function would be compromised and would decrease the likelihood of public access to these lands to continue for current land uses.

3.2 Vegetation

Plant community distribution primarily is dependent on elevation, aspect, moisture regimes, and fire history. Elevation throughout the Fish Creek Project area varies from approximately 3,150 feet along the main stem of Fish Creek, to 6,110 feet at the headwaters of Wig Creek in the southeastern portion of the Project area. The vegetation patterns and habitat types within the subject area were shaped by large-scale fire events in 1910, 1917, 2003, and 2005, as well as subsequent, intensive logging. Approximately 22% of the project area (9,208 acres) was subjected to wildfires in 2003 and 2005 (USFS, 2009). (See *Appendix D* for a map identifying the zones impacted.) In those locations, re-vegetation of timber has been limited, but shrubs, forbs, and grasses are re-establishing the landscape. In areas outside of the 2003 and 2005 fire perimeter, commercial logging occurred throughout the property, leaving a mosaic pattern of timber regeneration.

Lower montane and foothill forest comprise approximately 22,000 acres of the Project area and are dominated by mesic (Douglas fir [*Pseudotsuga menziesii*], ponderosa pine [*Pinus ponderosa*], western larch [*Larix occidentalis*]) and dry-mesic (Douglas-fir and ponderosa pine) mixed conifer forest types (Montana Natural Heritage Program, 2009). Vegetation on winter range slopes is comprised primarily of habitat types of the Douglas-fir climax series (Pfister et al. 1977), with ponderosa pine/bluebunch wheatgrass (*Agropyron spicatum*) dominating xeric, southerly exposures at lower elevations (Murphy, 1983). Lowland grassland and shrubs cover 7,683 acres of the Project area (Montana Natural Heritage Program, 2009) and include bluebunch wheatgrass, ninebark (*Physocarpus valvaceus*), and snowberry (*Symphoricarpos albus*).

Cool and moist, to moderately dry subalpine habitat types dominate the upper elevations of many of the tributaries. Common conifers in these areas include lodgepole pine (*Pinus contorta*), subalpine fir (*Abies lasiocarpa*), Engelmann spruce (*Picea engelmannii*), and Douglas Fir.

Within the riparian areas, western red cedar (*Thuja plicata*) habitat types occupy warm and moist sites in drainages on the west side of Fish Creek that have not been exposed and compromised by extensive timber harvest. Seral black cottonwood (*Populus trichocarpa*)-ponderosa pine communities occur along Fish Creek and in some of the side drainages on the east side of the main stem.

The presence of invasive weed species pervades along both active and abandoned roadways, and all other sites that have been disturbed by human activities. Exotic weed species include spotted knapweed (*Centaurea maculosa*), St. Johnswort (*Hypericum preforatum*), sulphur cinquefoil (*Potentilla recta*), and cheatgrass (*Bromus tectorum*). In lesser quantities, there is dalmatian toadflax (*Linaria dalmatica*), leafy spurge (*Euphorbia esula*), common hound's-tongue (*Cynoglossum officinale*), and meadowhawk weed (*Hieracium pretense*). Since taking ownership in 2008, The Nature Conservancy has implemented large-scale weed spraying throughout the drainage. These efforts are expected to continue in 2010.

Proposed Action: Before the completion of the acquisition, FWP would complete a weed inspection per 7-22-2154(1) MCA, which requires nonfederal government agencies to obtain a weed inspection by the county weed district and requires the development of a weed management plan to ensure compliance with district noxious weed management programs. Through the implementation of FWP's 2008 Integrated Noxious Weed Management Plan (Available at <http://fwp.mt.gov/content/getItem.aspx?id=32626>), FWP would comply with district programs. There would be a decrease in noxious weeds over time on the property after the plan's implementation and overall habitat health would improve.

No Action: By not purchasing the property, FWP would not protect important aquatic habitat for bull trout and westslope cutthroat trout, crucial winter range for elk, white-tailed deer, mule deer, and moose, and an important forest carnivore linkage zone connecting the Ninemile Divide with the Bitterroot Mountains and Wilderness. In addition, FWP would not be able to provide hunting, fishing and other recreational opportunities associated with the project area. If TNC retained the property and sold it to another buyer, the exact level of this risk is unknown

since the future impacts to resources and public access would be dependent on the desires of the property's new owner(s).

3.3 Wildlife Species

The Fish Creek drainage is a very high priority forest carnivore linkage zone (American Wildlands, 2009; Servheen et. al., 2003), with important upland and riparian habitats that provide seasonal and year-round use by a variety of species, especially wintering ungulates. There is a minimum of 182 wildlife species (57 mammals, 115 birds, 5 amphibians, and 5 reptiles) that biologists have either verified on or near the property, or are likely to be found within the drainage. Of those, 31 terrestrial vertebrate species of concern (SOC) have been verified or are potentially found within the Fish Creek Project area, with 12 of those identified as Tier 1 species (Montana Natural Heritage Program, 2009; FWP, 2005). Also, there are six potential species of concern (including one Tier 1 species), and one additional Tier 1 species, which was recently removed from the SOC list. All of these numbers represent a minimum estimate, as wildlife biologists have not extensively surveyed the property for wildlife. With all the above-mentioned wildlife resource values, the Fish Creek Project area also provides exceptional hunting, trapping, and wildlife viewing opportunities, as well as access to adjacent roadless areas and the Proposed Great Burn Wilderness.

The Fish Creek land acquisition by FWP will help protect the wildlife linkage area from Cyr, west to Tarkio, but especially the linkage zone on the northwest portion of the project area. As one of the highest wildlife priorities for protection in the Fish Creek Project, the most intact portion of the identified linkage zone is included within the WMA and incorporates the South Fork of Nemote and Martel Mountain on the north side of I-90, crossing just east of Tarkio and including Rock Creek to Rivulet on the south side of the Clark Fork River (Servheen et. al., 2003). This linkage zone provides broad-scale landscape connectivity for forest carnivores (grizzly bear [*Ursus arctos*], Canada lynx [*Lynx Canadensis*], wolverine [*Gulo gulo*], and others) from the Mission and Rattlesnake Wilderness areas, through the Ninemile Divide, to the Selway-Bitterroot Mountains and Wilderness. Providing connectivity among ecosystems is essential for maintaining viable populations and recovering forest carnivores that are threatened, endangered, or SOC.

Grizzly bear, Canada lynx, and wolverine activity has occurred within the Fish Creek drainage or on its adjacent lands, but there still is much to learn about their overall utilization of these habitats. Grizzly bear activity has been documented to the northeast of Fish Creek in the Ninemile drainage, to the east in portions of Petty Creek, and to the southwest in Kelly Creek, Idaho. With grizzlies continuing to expand their range, biologists expect the subject property to be an important connection to-and-from the Northern Continental Divide, the Selway-Bitterroot, and the Cabinet-Purcell ecosystems.

The same holds true for Canada lynx and wolverine. Lynx historically were in the Fish Creek drainage, but a decline in their populations, as well as timber harvest practices has limited their use of the area. FWP furbearer harvest data revealed that a lynx was harvested in Fish Creek in 1985, but since the U.S. Fish and Wildlife Service listed the species as threatened on March 24, 2000, trappers are no longer permitted to harvest these animals. Based upon the U.S. Forest Service's delineation of Lynx Analysis Units, the upper reaches of Bear, Thompson, Surveyor,

and Wall Canyon creeks continue to provide suitable lynx habitat within the Fish Creek Project area (USFS, 2009). Wolverine may use these drainages and other habitats in Fish Creek as well, to travel to-and-from an important movement corridor to the west and south of Fish Creek along the Montana/Idaho state line. Recent genetic analysis of wolverine and spring snow pack data revealed that the Fish Creek drainage may be a stepping stone to this major movement corridor (Schwartz et al., In Press).

The Fish Creek drainage also provides significant winter range and other seasonal habitats for elk (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*) and moose (*Alces alces*). It also supports diverse populations of predators, furbearers and upland game birds, including black bear (*Ursus americanus*), mountain lion (*Puma concolor*), wolf (*Canis lupus*), mountain grouse and wild turkey (*Meleagris gallopavo*). The intact, productive riparian corridors of Fish Creek and its tributaries have exceptional habitat for white-tailed deer and moose, while the drier upland slopes provide forage and browse for mule deer. White-tailed deer and mule deer are abundant throughout the year. Moose also are observed quite often, and are occasionally harvested within the subject property.

The subject property provides nearly 34,000 acres of winter range for approximately 500 elk. Compared to previous years, these elk numbers are lower than average, especially for the Burdette elk herd. The Burdette elk herd once was considered one of the more significant elk populations in western Montana and was the subject of three graduate studies (Lemke, 1975; Zahn, 1974; Bohne 1972). Those studies, which included neck-banded and radio-collared elk, described population demographics, seasonal movements and habitat use of the population. Although the Burdette Creek drainage is to the southeast of the project area, a portion of those elk winter in Wig Creek, Feather Gulch and Lion Creek. Also, the majority of these elk migrate through Cache, Surveyor, and Thompson creeks to their summer ranges in the Proposed Great Burn Wilderness and into portions of Idaho. Other critical elk winter range within the project area include lands just east of Lion Point, the main stem of Fish Creek, Whitehorse Gulch, Winkler Gulch, the lower portion of Trail Creek and lands to the east, Camilla Gulch, Wall Canyon, Hay Creek, lands just south of the Clark Fork River, Round Hill, Martel Mountain, and the lower portions of the South Fork of Nemote Creek.

Black bear, wolf, and mountain lion populations in the Fish Creek drainage provide the public with numerous wildlife viewing and hunting opportunities. Black bear populations are doing well because of late season precipitation in the spring and summers of 2008 and 2009, resulting in exceptional berry crops and other forage. Accordingly, black bear productivity and recruitment is expected to be high in 2010.

Wolves have been present in Fish Creek since the early 1990s. The first known pack was the Kelly Creek Pack, which used Kelly Creek (ID) and the South Fork of Fish Creek for several years beginning in 1991. Biologists speculate that this pack broke off into three separate packs – one of which is now the Fish Creek pack. Currently, four known wolf packs (Cache Creek, Fish Creek, Bitterroot Range, and Big Hole) use the Fish Creek drainage to some extent. FWP had its first wolf-hunting season in 2010, but no wolves were harvested in the Fish Creek drainage.

Mountain lion hunting is popular during the winter season, with approximately 90 lions harvested within the Project area and on its adjacent lands over the last 30-years. From 1979-1982, a graduate student studied hunting pressure and mountain lion populations in the Fish Creek drainage (Murphy, 1983). The study revealed average lion densities of 7.1 lions/100km². Lion densities fluctuate with the availability of prey species, competition with other lions and other predators, hunting pressure, and environmental conditions. Since 2008, FWP has managed lions on a permit system in hunting districts (HD) 201, 202 and 203.

Upland game birds can be found on the subject property and include ruffed grouse (*Bonasa umbellus*), dusky grouse (*Dendragapus obscurus*), spruce grouse (*Falcapennis canadensis*), and wild turkey. Merriam turkeys are present in the northern portion of Fish Creek as a result of FWP translocating 34 (14 jakes and 20 hens) in January 2007. As per the initial translocation environmental assessment, two to three follow-up transplants may occur over a 10-year period. Additional transplants would improve genetic diversity within the population, as well as increase hunting and wildlife viewing opportunities.

There have been numerous non-game species surveys within the project area or adjacent to the property. The Fish Creek Breeding Bird Survey (BBS) Route, which runs along upper Fish Creek and the West Fork of Fish Creek, recorded 76 bird species between 1995 and 2008. Many of the most common species recorded on the BBS route were species primarily found in riparian habitats, including willow flycatcher, yellow warbler, MacGillivray's warbler, and song sparrow. Cottonwood riparian and wetland areas on the property are limited, yet they support the highest diversity and density of songbird species, relative to other habitats on the property. Riparian and wetland habitats provide breeding sites and travel corridors for amphibians, support the highest density and diversity of small rodents and shrews, and are the most important foraging habitat for most bat species. One-third of the species listed on the SOC or PSOC list are either dependent on riparian habitat or use it as one of their primary habitats.

The Avian Science Center surveyed birds in forested areas in and adjacent to the subject property, including harvested areas and burns and riparian areas. The most common species recorded were Swainson's thrush, American robin, chipping sparrow, and dark-eyed junco. These species are typical of second-growth forests in western Montana. They also detected several Species of Concern, including Cassin's finch, pileated woodpecker, calliope hummingbird, Clark's nutcracker, and winter wren.

Remnant stands of mature forest on the property are especially important for species such as northern goshawk, brown creeper, fox sparrow, golden-crowned kinglet, ruby-crowned kinglet, gray jay, Hammond's flycatcher, hermit thrush, Nashville warbler, pileated woodpecker, pine grosbeak, Townsend's warbler, varied thrush, boreal chickadee (if present), winter wren, hoary bat, and silver-haired bat.

The property supports several areas of burned forest that was not salvage-logged. Burned forest provides very important habitat for a variety of wildlife species, when the dead trees are left standing. Species most common in (or in some cases, dependent on) post-fire areas include black-backed woodpecker, American three-toed woodpecker, lazuli bunting, hairy woodpecker, and olive-sided flycatcher. Secondary cavity nesting birds, such as mountain bluebird, are often

more common in burned forest as they respond to the higher supply of nesting cavities left by higher woodpecker populations.

Low-elevation ponderosa pine (especially mature forest) is especially important for Cassin's finch, Clark's nutcracker, Hammond's flycatcher, western tanager, and flammulated owl. Mature low-elevation ponderosa pine is relatively rare in western Montana, as this was the most accessible forest to commercial timber harvest.

Large diameter snags at mid-to lower elevations are especially valuable as roosting sites for maternity colonies of silver-haired bats, long-legged myotis, fringed myotis, California myotis, and long-eared myotis. Pileated woodpeckers, flammulated owls, bald eagles, golden eagles, and great blue herons depend upon large-diameter trees (live or snags) for nesting.

There are active bald eagle and peregrine falcon territories on the Clark Fork River in or adjacent to the property. The rocky outcrops along the river provide nesting and roosting habitat for birds of prey, and potentially support several species of bats, reptiles, songbirds, and mammals. Talus slopes on the property provide roosting habitat for several species of bats, and those with large rocks may support pikas. Full inventory and monitoring efforts have yet to be undertaken to confirm the presence of these and other potentially unidentified species.

Proposed Action: Under the Proposed Action, FWP would protect and enhance the entirety of the wildlife linkage area (in the northwest portion of the Project Area), and significant winter range under the full funding and management authority of its Habitat Montana Program and the Pittman-Robertson Act by including these lands within the WMA. The Fish Creek land acquisition would secure protection of the forest carnivore linkage zone in the project area, providing important habitat connectivity to-and-from the Northern Continental Divide, the Selway-Bitterroot, and the Cabinet-Purcell ecosystems. It would also protect and enhance wildlife movement corridors along riparian habitats, which would also benefit migratory songbirds, small mammals, amphibians, and fish (fish species are described in Section 3.4). In addition, FWP would maintain hunting, trapping, and wildlife viewing opportunities.

No Action: If no action were taken, FWP would not protect crucial winter range for elk, white-tailed deer, mule deer and moose, as well as an important forest carnivore linkage zone that provides important habitat connectivity to-and-from the Northern Continental Divide, the Selway-Bitterroot, and the Cabinet-Purcell ecosystems. Consequently, the persistence of connected wildlife populations in the Lower Clark Fork watershed would be placed in greater long-term risk. In addition, FWP would not be able to provide hunting and wildlife viewing opportunities associated with the project area. If TNC retained the property and sold it to another buyer, the exact level of this risk is unknown since the future impacts to resources and public access would be dependent on the desires of the new property owner(s).

3.4 Fisheries Species and Water Resources

Fish Creek is the largest tributary basin within the middle Clark Fork River drainage. It is a wild and productive watershed with unusually high fisheries and aquatic value. Fish Creek supports some of the best remaining native fish populations in the area, provides a major source of salmonid recruitment for the Clark Fork River, and offers an excellent trout fishery throughout

most of its reaches. Most tributaries within the watershed offer high quality spawning and rearing habitat for trout. Intact tributary habitat, excellent water quality, consistent instream flows and good connectivity among stream and river reaches have made Fish Creek a stronghold for migratory (fluvial) bull trout (*Salvelinus confluentus*) and westslope cutthroat trout (*Oncorhynchus clarki lewisi*) in western Montana. Fish Creek currently supports more fluvial bull trout redds than all other middle Clark Fork tributaries combined and the drainage contains numerous (>20) westslope cutthroat trout populations, many of which are genetically non-introgressed. Other fish species present include mountain whitefish (*Prosopium williamsoni*) and sculpins (*Cottus* spp.), as well as introduced brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*) and rainbow trout (*Oncorhynchus mykiss*). The main stem and primary forks provide a popular trout fishery that supports > 2,000 days of angler pressure annually.

Lands proposed for acquisition by FWP include portions of many tributary streams and key sections of the Fish Creek main stem and South Fork. Parcels in Bear Creek, Deer Creek, Thompson Creek, Surveyor Creek and other tributaries represent important spawning and nursery areas for native trout, as well as key sources of recruitment for the Clark Fork River. Parcels along the main stem and South Fork provide public access for anglers and make up the migratory corridor that connects the upper watershed with the Clark Fork River. Lower reaches (including the mouth) also offer an invaluable thermal refuge for Clark Fork River fish during the summer as water temperatures are typically 8-12° F cooler in Fish Creek.

The proposed land acquisition includes portions of several other, smaller tributary drainages that lie outside of Fish Creek. Two of these, Rock Creek (just west of Fish Creek) and Nemote Creek (north of the Clark Fork River), exhibit perennial flows in upper reaches and support fish. Both of these streams contain non-introgressed westslope cutthroat trout populations in headwater reaches, but neither stream is readily accessible to fish from the Clark Fork River for spawning due to anthropogenic migration barriers (primarily transportation crossings).

Aquatic Restoration in Fish Creek

Because of its high aquatic value and native fish populations, the Fish Creek drainage has been a focus area for fisheries enhancement and watershed restoration for the past decade. Public agencies and private conservation groups have partnered to improve connectivity among stream and river reaches, restore riparian areas and, most recently, to mitigate impacts of intensive forest road construction and timber management. Cumulatively, these efforts have significantly improved the probability of long-term sustainability for fish and other aquatic populations.

Ensuring aquatic connectivity between stream and river reaches has been a priority in Fish Creek. The upper watershed contains > 50 miles of roadless and intact stream habitat that provides outstanding spawning and rearing environments for trout and other species. In many instances, movement among these habitats was limited by undersized or poorly installed road crossings. From 1999-2003, FWP and Lolo National Forest personnel catalogued and prioritized locations that were limiting fish migration and movement. Many of these problems were located on parcels in the proposed acquisition, but nearly all of them have been corrected over the past five years.

The Lolo National Forest and other land managers have also been working to enhance overall watershed health by improving forest road conditions. Many miles of non-essential forest roads have been stored and reclaimed in the past decade. This work includes removal of undersized culverts and crossings that represent sources of sediment and long-term failure risk. Recent fires in Fish Creek have expedited much of this watershed restoration work, including major projects in Deer Creek, Bear Creek, and other tributaries.

The most recent major restoration effort in Fish Creek was initiated and led by The Nature Conservancy (TNC) when they purchased the remaining parcels owned by Plum Creek Timber Company. In 2008 and 2009, TNC and Trout Unlimited collaboratively worked to improve watershed conditions on TNC lands (now proposed for acquisition by FWP). This work included correction of several of the priority fish passage barriers previously identified, storage of > 37 miles of closed forest roads (including removal of numerous culverts), large-scale weed spraying and replanting of native vegetation. This work will continue at a much larger scale within the project area in 2010 (led by Trout Unlimited), with a focus on fire rehabilitation and restoration of key tributary watersheds such as Surveyor Creek, Thompson Creek, Deer Creek and Bear Creek

Proposed Action: Under the Proposed Action, water resources within the target property would be maintained or enhanced by protecting riparian areas. There are no proposed changes that would result in increased discharge, changes in drainage patterns, alteration of the creeks' course (including flooding), changes in the quality or quantity of groundwater, and/or changes in water rights or other water users. Protection of existing cold, clean, complex, and connected native salmonid habitat critical to bull trout and westslope cutthroat trout would be maintained. Furthermore, FWP would have the ability to continue its habitat restoration projects for the benefit of imperiled aquatic species.

No Action Alternative: If FWP decides not to exercise its right to purchase the property, it is unknown if any of the water resources (riparian areas, wetlands) would be affected by another buyer's plans if TNC sold the property in the future.

3.5 Recreation Opportunities

Current recreation opportunities consist of hunting, hiking, fishing, sightseeing, motorized use, whitewater boating, wildlife viewing, and camping.

All of the Fish Creek Project property lies within hunting districts 201, 202 and 203. The area is highly valued and heavily used by Montana hunters each fall. TNC has maintained Plum Creek Timber's previous open access policy and currently manages the property for unrestricted "walk-in" hunting. Below is a summary of hunter usage of the hunting districts in 2008.

	Deer	Elk
HD 201	16,956	13,803
HD 202	10,954	8,485
HD 203	9,710	9,700
Total Hunter Days:	37,620	31,988

Currently, TNC has permitted one outfitter access to the property south of I-90 for hunting activities and there is one fishing outfitter reporting use of Fish Creek (personal communication with Montana Board of Outfitters, January 2010).

FWP manages two fishing access sites (FAS) within the target property south of Interstate 90, Big Pine along Fish Creek and Forks on the West Fork of Fish Creek. These sites are very popular for camping and facilities at each site include a latrine and five campsites. During the peak season (May – September) usage levels for Big Pine were estimated at 9,643 visitors.

Additionally, the Alberton Gorge, a 20-mile section of the Clark Fork River, flows through the property. The Gorge is known regionally for its class III/IV whitewater and beautiful scenery. Due to its location near Missoula and easy access via Interstate 90, the Alberton Gorge sees a high number of visitors, with summer use estimated to be nearly 24,000 user days annually (FWP, RMU Research Summary No. 5, 2001).

In 2004, FWP acquired roughly 300 acres of property along the Alberton Gorge to conserve recreation and wildlife resource values. FWP has since prioritized remaining land parcels for future acquisition that would expand conservation of the Alberton Gorge. The Fish Creek property contains some of these parcels, including the mouth of Fish Creek, a popular stopping point for many floaters through the Alberton Gorge.

Proposed Action: Public ownership of approximately 41,000 acres of private land with an “open access” management policy, will preserve opportunities for recreational activities at the property such as: hunting, hiking, angling, motorized use on open routes, floating, trapping (otter, bobcat, muskrat, beaver, and mink), and camping. Recreation would be managed in accordance with applicable FWP rules and regulations.

With the large size of this property and limited resources, there will likely be challenges associated with managing recreation on the property. These challenges could be related to: resource inventory, enforcement coverage, vandalism, maintenance, visitor service, facility development, etc. For the immediate future, existing FWP staff will have to manage the property.

The FWP Commercial Use Rules govern commercial use of FWP owned and managed lands. Commercial uses such as hunting and fishing, mountain bike concession or other public private partnerships could be permitted on the state park component in accordance with FWP commercial use rules. Commercial fishing and hunting outfitting would not be permitted on any portions of the wildlife management area.

No Action: If FWP decides not to exercise its right to purchase the property, TNC would likely continue their current open access policy and allow recreation activities to continue until another buyer(s) is discovered. Future access for public recreation opportunities under different ownership would be difficult to analyze since it is unknown what a new owner(s) might have planned for such a diverse property. However, there would be a high likelihood that the public's access to free hunting and other recreational opportunities would be seriously restricted, if

granted at all, if this property were sold to a private party, and other public agencies such as DNRC have already declined to purchase this property.

3.6 Cumulative Impacts

Proposed Action -- The proposed purchase would contribute to the conservation of wide-ranging wildlife such as wolverine, lynx, grizzly bear, and other species for which a functional connection of the Cabinet-Purcell, Northern Continental Divide, and Bitterroot Ecosystems is essential for recovering threatened, endangered, and sensitive species and maintaining viability of numerous other wide-ranging species such as elk, black bear, and mountain lion. Similarly, the protection of Fish Creek and its tributaries would contribute to the perpetuation of native trout populations in the larger Clark Fork watershed. Continuing public access to the subject lands would contribute to recreational opportunities that require larger landscapes of mixed ownership, such as public hunting and river rafting. In turn, local and regional economies and lifestyles tied to the unique presence of expansive fish, wildlife, and recreation resources would be maintained and likely enhanced.

No Action-- If no action were taken, the perpetuation of critical habitat suitable for maintaining fish and wildlife metapopulations in the Lower Clark Fork watershed would not be assured. Maintaining crucial winter range for ungulate populations may be compromised under no action, and a cumulative loss of threatened, endangered, and sensitive fish and wildlife species would be risked as well. The potential loss of public access to the Fish Creek lands would contribute to a cumulative loss of public access to corporate timberlands regionally, as significant parcels have been sold and subdivided in recent years. The opportunity for an economy to be maintained and expanded on the basis of unique fish, wildlife and recreation resources would be compromised.

4.0 RESOURCE ISSUES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

The Montana Environmental Policy Act (MEPA) provides for the identification and elimination from detailed study of issues, which are not significant or which have been covered by a prior environmental review, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the physical or human environment or providing a reference to their coverage elsewhere (ARM 12.2.434(d)). While these resources are important, they were either unaffected or mildly affected by the proposed action, or the effects could be adequately mitigated.

A few issues were found not to be significant to the decision and were eliminated from further detailed analysis.

4.1 Air Quality

Under either alternative, there are likely to be no changes to the ambient air quality since neither FWP nor TNC plan any construction or development activities that could affect particulate levels and air quality.

4.2 Noise and Electrical Effects

Since TNC has been managing the property as open for public recreation activities, and FWP will likely have a similar management approach, the potential for changes in noise levels is expected to be minimal. The potential for changes in noise levels will depend on FWP approaches to managing type, timing and location of recreation activities.

Existing electrical structures to private in-holdings and easements would not be affected by either alternative.

4.3 Risk and Health Hazards

As part of FWP's due diligence, the Department would complete a hazardous materials survey prior to the property's acquisition. Flyover survey was completed and another survey is planned by ground-truthing the flyover data and investigation of historical materials of the area.

4.4 Public Services, Taxes & Utilities

The Fish Creek property fee title purchase by FWP will provide long term protection for wildlife habitat in these watersheds, maintain the open space integrity of the land, enhance public recreation opportunities and improve the overall management on the property. This purchase will not reduce the tax revenues that Mineral County collects on this property under Montana Code 97-1-603. FWP is required by Montana Code 87-1-603 to pay "to the county a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen." Current taxes on this land are approximately \$50,000 per year based on the current assessment.

The financial impacts to local businesses from this purchase will be neutral to positive given that recreational opportunities will not be negatively impacted and FWP will be working to address weed issues, etc. (See *Appendix E*, FWP Socio-Economic Report)

In conjunction with any acquisition, except that portion of acquisitions made with funds provided under 87-1-242(1), FWP is required to include 20% of the amount of purchase price or \$300,000, whichever is less, to be used for maintenance of the property, consistent with the good neighbor policy (87-1-209 MCA).

4.5 Cultural & Historical Resources

The Montana State Historic Preservation Office (SHPO) completed a cultural resource file search for the Fish Creek Project parcels and reported that there are a few previously recorded sites within the project area. Most of the sites are associated with the historic Mullan Road, Milwaukee Railroad, and stage services along the Clark Fork River corridor. A fire lookout tower is also present on the property.

FWP's proposed acquisition would have a positive affect on any cultural or historical resources by securing and managing them in public ownership. By Montana law (22-3-433 MCA), all state agencies are required to consult with the State Historic Preservation Office on the identification and location of heritage properties on lands owned by the state that may be adversely impacted by a proposed action or development project. It is uncertain if unrecorded historic sites would be affected by the activities of an owner other than FWP.

5.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the significance criteria evaluated in this EA, is an EIS required? No. Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS is not required and an environmental assessment is the appropriate level of review.

6.0 PUBLIC PARTICIPATION

6.1 Public Involvement

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- One statewide press release;
- Two legal notices in each of these papers: Helena's *Independent Record*, *Missoulian* and *Mineral Independent*;
- Direct mailing to adjacent landowners and interested parties;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>

Copies of this EA will be available for public review at FWP Region Headquarters in Missoula and Helena and on the FWP web site.

A public meeting will be held on February 2nd from 6:30 - 8:00 p.m. in the Superior High School in the multi-purpose room to provide the public a venue to submit comments and have questions answered by FWP staff. This level of public notice and participation is appropriate for a project of this scope having few limited physical and human impacts.

FWP has also met with the Mineral County Commission and local resources groups (i.e. Fish Creek Working Group) regarding the potential acquisition. (See *Appendix F*, Mineral County Letter of Support.)

6.2 Offices/Programs contacted or contributing to this document:

Mineral County Commission

Montana Fish, Wildlife & Parks:

Fisheries Bureau, Missoula

Lands Bureau, Helena

Legal Bureau, Helena

Parks Division, Missoula

Wildlife Bureau, Missoula

Montana Natural Heritage Program, Helena MT

Montana State Historic Preservation Office, Helena MT

The Nature Conservancy, Missoula MT

U.S.D.A Natural Resources Conservation Service, Soil Survey Database

6.3 Duration of Comment Period

The public comment period will extend for (30) thirty days beginning January 21st. Written comments will be accepted until 5:00 p.m., February 19, 2010 and can be mailed to the address below:

Fish Creek Project
Montana Fish, Wildlife & Parks
Region 2 Headquarters
3201 Spurgin Rd.
Missoula, MT 59804 or email comments to: FishCreek@mt.gov

7.0 EA PREPARATION

Rebecca Cooper, MEPA Coordinator, Helena, MT
Lee Bastian, FWP Regional Parks Manager, Missoula, MT
Mike Thompson, FWP R-2 Wildlife Manager, Missoula, MT
Chet Crowser, FWP River Recreation Manager, Missoula, MT
Vickie Edwards, FWP Wildlife Biologist, Missoula, MT
Kristi DuBois, FWP Non-game Wildlife Biologist, Missoula, MT
Ladd Knotek, FWP Fisheries Biologist, Missoula, MT

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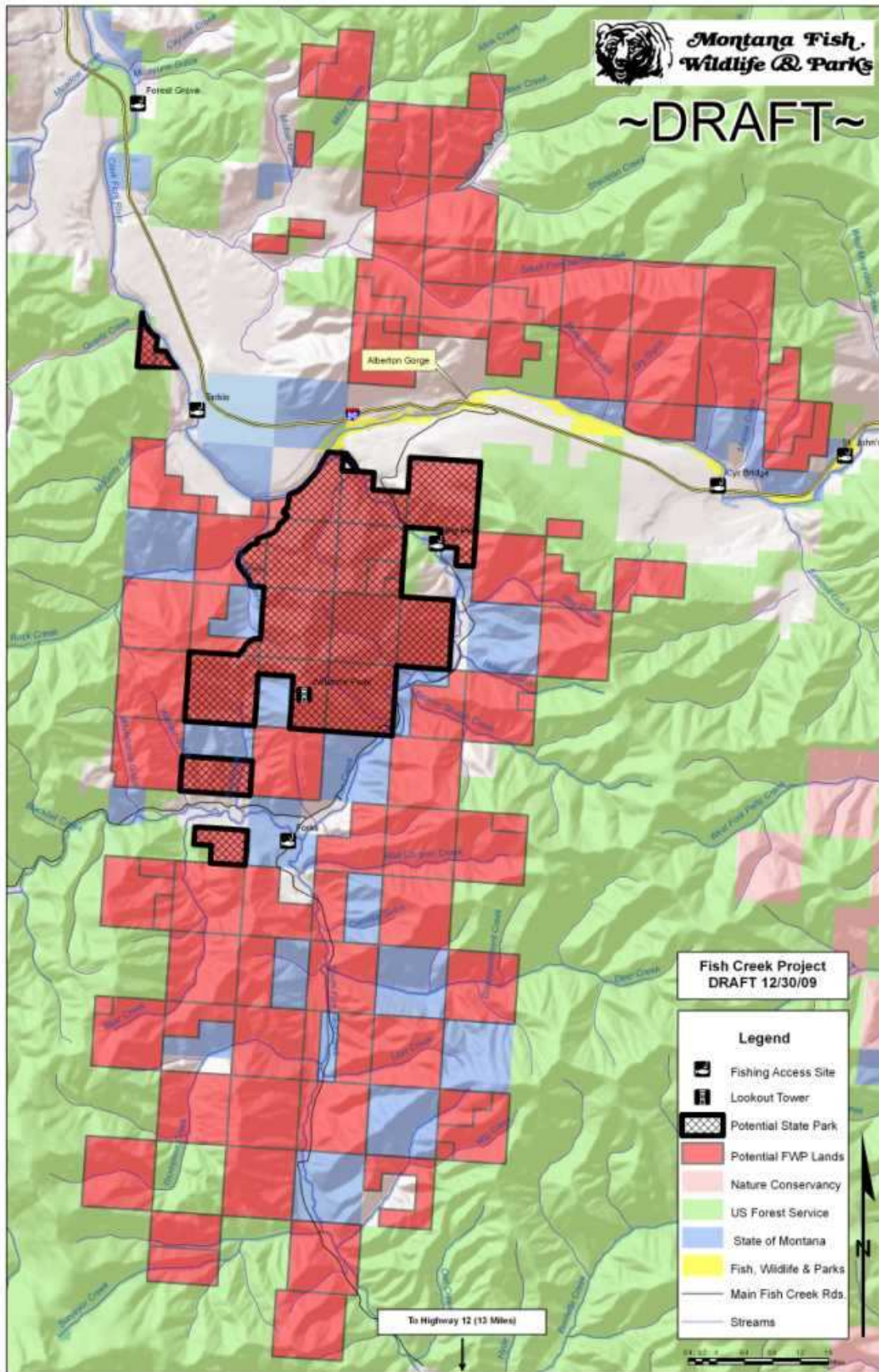
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APPENDICES

- A – Fish Creek Project Property Map: State Park and Wildlife Management Area Portions Identified
- B – FWP Fish Creek Project Interim Management Plan (separate attachment)
- C – Map of Road Status (closed, open, gated, and stored)
- D – Detailed Map of 2003 and 2005 Wildfires in Project Area
- E – Socio-Economic Report (separate attachment)
- F – Mineral County Commission Letter of Support

APPENDIX A



APPENDIX B

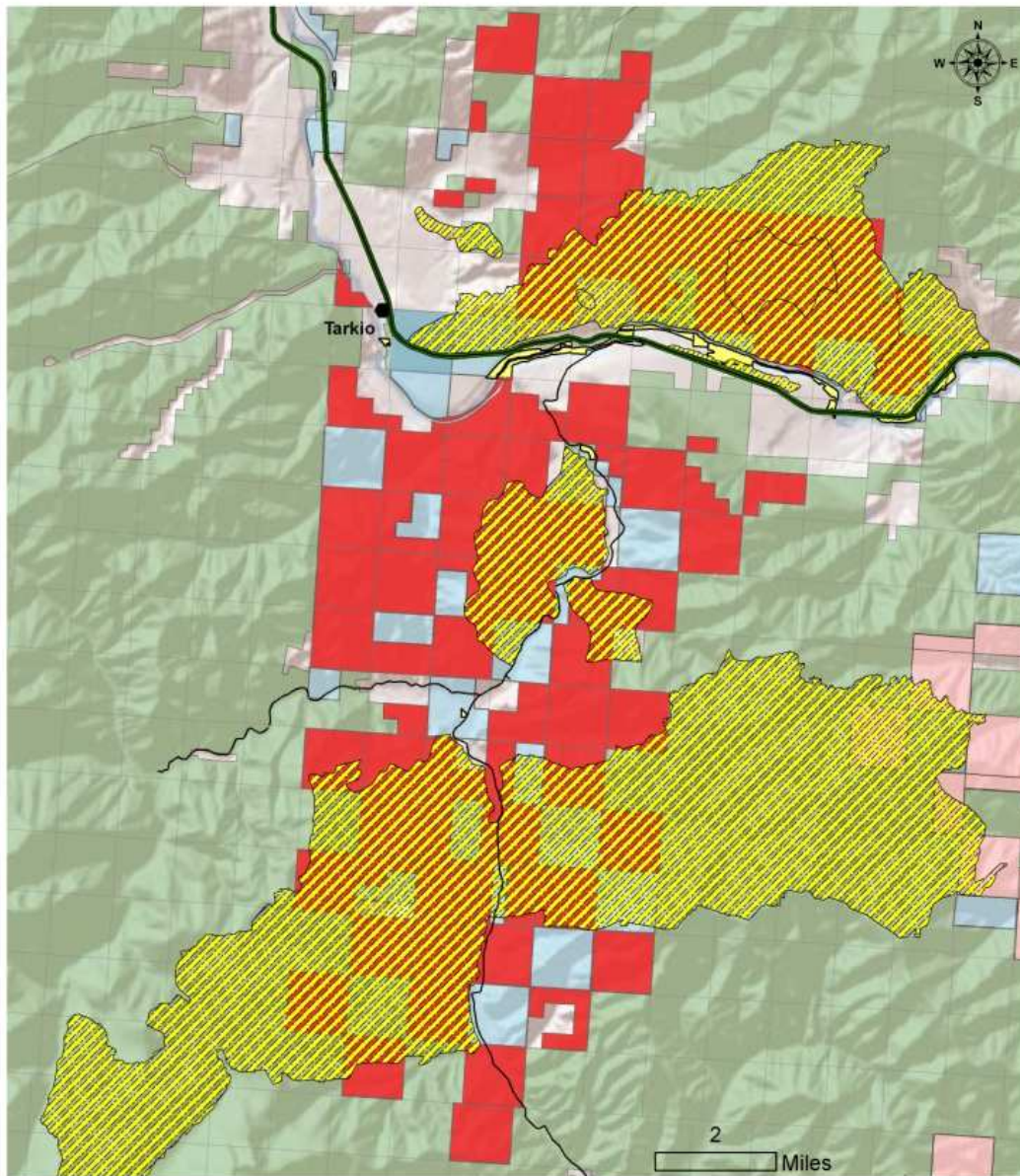
FWP Fish Creek Project Interim Management Plan - separate attachment

APPENDIX C

Map of Road Status (closed, open, gated, and stored) – separate attachment

APPENDIX D

2003 and 2005 Fish Creek/Tarkio Fires - 49,902 Acres Burned



**Montana Fish,
Wildlife & Parks**

December 23, 2009
Data from: MFWP, TNC

Legend

- | | |
|---------------------------------------|-----------------------------------|
| — Main Fish Creek Roads | Montana Fish, Wildlife, and Parks |
| ■ The Nature Conservancy - Fish Creek | ■ Montana State Trust Lands |
| ■ The Nature Conservancy | ■ US Forest Service |
| ■ 2003 & 2005 Forest Fires | ■ Other Private |

APPENDIX E

FWP Socio-Economic Report – separate attachment

APPENDIX F



MINERAL COUNTY BOARD OF COMMISSIONERS

PO Box 550
300 River Street
Superior, MT 59872
Phone (406) 822.3577
Fax (406) 822.3552
commissioners@co.mineral.mt.us

Mack H. Long
Region 2 Supervisor
Montana Fish, Wildlife & Parks
3201 Spurgin Rd
Missoula, MT 59804

RE: Fish Creek Land Acquisition

Dear Supervisor Long:

Thank you for meeting with us on 12/23/2009 regarding the potential acquisition of the 41,000 acres of former Plum Creek land currently owned by The Nature Conservancy. This large expanse located in Mineral County has long been open to our constituency, and access for fishing, hunting, hiking, berry-picking, etc., was always freely granted by Plum Creek, and that continued access has been assured by TNC. However, we cannot be assured of continued ownership by TNC due to their financial obligations.

Rather than face the potential sale of some or all of this land, that has been traditionally open to our public, to private parties that might exclude this traditional access, we would prefer it to be transferred to public ownership. Because we are not in favor of additional federal ownership in Mineral County, we are unanimously in favor of your proposal as it would continue to provide the access so important to all of us, provide state agency management of important fish and wildlife habitat, and continue to provide substantial property tax revenue to Mineral County.

We look forward to the culmination of this proposal, and look forward to being an active partner in future management decisions related to this area. Once again, thank you for your efforts to move this forward.

Sincerely,

Mineral County Commissioners

Clark Conrow, Chairman

B. J. McComb, Member

Duane Simons, Member